

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL D. SIMMONS,  
Plaintiff,  
v.  
LEMAN, et al.,  
Defendants.

Case No. [22-cv-02024-JSC](#)

**ORDER OF DISMISSAL**

On March 30, 2022, Plaintiff filed a civil rights complaint under 42 U.S.C. § 1983, as well as a request to waive his filing fees. Plaintiff is not represented by a lawyer. The same day, the Clerk notified Plaintiff that he had neither paid the filing fee nor used the correct form to apply for leave to proceed in forma pauperis (“IFP”), that is, to proceed without paying the filing fee. Specifically, the form was from the California state courts, and it did not include two items required to complete an IFP application in federal court: a statement from his prison trust account and a certificate of funds signed by a prison official showing his account’s average monthly balances and deposits over the last six months. The Clerk mailed Plaintiff the Court’s IFP application along with the deficiency notice, as well as a stamped return envelope and instructions for completing the application. The notice informed Plaintiff that the case would be dismissed if he did not pay the filing fee or file a completed IFP application within 28 days. As of the date of this Order, no response has been received.

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As Plaintiff has not paid the filing fee or completed this Court's IFP application, and he has not shown cause why not, this case is DISMISSED without prejudice to filing a new case in which he pays the filing fee or completes this Court's IFP application.

The Clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: May 11, 2022

  
JACQUELINE SCOTT CORLEY  
United States District Judge